

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HECTOR SERANO SALINAS,

Petitioner,

Case No. C18-249-RSM

V.

DONALD HOLBROOK,

Respondent.

ORDER DENYING PETITION FOR WRIT
OF HABEAS CORPUS

The Court has reviewed Petitioner’s petition for writ of habeas corpus, Respondent’s
to the petition, the Report and Recommendation of James P. Donohue, United States
Judge, Petitioner’s Objections, and the remaining record. The Court agrees with
Respondent that Petitioner did not challenge the Washington State Supreme Court’s application
“invited error” rule in his petition, and thus raises this issue for the first time in his
Petition. *See* Dkt. #24 at 3. In any event, the Court finds that the Washington Supreme Court
is correct to conclude that any public-trial violation in Petitioner’s case was an invited error
due to his counsel’s active participation in the in-chambers voir dire procedure, as discussed
by Respondent. *See id.* at 4 (citing *Wagner v. Massachusetts*, 137 S. Ct. 1899 (2017)). The

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1 Court otherwise finds no error in Judge Donohue's R&R. Accordingly, the Court hereby finds
2 and ORDERS:

3 (1) The Report and Recommendation is adopted.

4 (2) Petitioner's petition for writ of habeas corpus (Dkt. 4) is DENIED, and the
5 petition and this action are DISMISSED with prejudice.

6 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
7 United States District Courts, a certificate of appealability is DENIED.

8 (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for
9 respondent, and to the Honorable James P. Donohue.

10 DATED this 11 day of December 2018.

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13 RICARDO S. MARTINEZ
14 CHIEF UNITED STATES DISTRICT JUDGE
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